

1 AN ACT concerning higher education.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as
5 Academic Presentation Protection Act.

6 Section 5. Definitions.

7 "Academic presentation" means any lecture, speech,
8 performance, exhibit, or other form of academic or aesthetic
9 presentation that is made by an instructor of record as part
10 of an authorized course of instruction at a higher education
11 institution and that is not fixed in a tangible medium of
12 expression.

13 "Commercial purpose" means any purpose that has financial
14 or economic gain as an objective.

15 "Higher education institution" means a public institution
16 of higher education listed under the definition of "public
17 institutions of higher education" in the Board of Higher
18 Education Act.

19 "Instructor of record" means any teacher or staff member
20 employed by a higher education institution to teach courses
21 and authorize credit for the successful completion of
22 courses.

23 Section 10. Prohibition.

24 (a) Except as authorized by policies developed in
25 accordance with subsection (a) of Section 20 of this Act, no
26 business, agency, or person, including without limitation an
27 enrolled student at a higher education institution, shall
28 prepare, cause to be prepared, give, sell, transfer, or
29 otherwise distribute or publish, for any commercial purpose,
30 any contemporaneous recording of an academic presentation in

1 a classroom or equivalent site of instruction at a higher
2 education institution by an instructor of record. This
3 prohibition applies to a recording made in any medium,
4 including without limitation handwritten or typewritten class
5 notes.

6 (b) Nothing in this Act shall be construed to interfere
7 with the rights of disabled students under the law. Nothing
8 in this Act is intended to change existing law as it pertains
9 to the ownership of academic presentations.

10 (c) It does not constitute a violation of this Act for a
11 business, agency, or person solely to provide access or
12 connection to or from a facility, system, or network over
13 which that business, agency, or person has no control,
14 including related capabilities that are incidental to
15 providing access or connection. This subsection (c) does not
16 apply to a business or agency that is owned by (or to a
17 business, agency, or person that is controlled by) or is a
18 conspirator with a business, agency, or person actively
19 involved in the creation, editing, or knowing distribution of
20 a contemporaneous recording that violates this Act.

21 Section 15. How Act enforced. A circuit court may grant
22 any relief that it finds necessary to enforce this Act,
23 including the issuance of an injunction. A person injured by
24 a violation of this Act, in addition to actual damages, may
25 recover court costs, attorney's fees, and a civil penalty
26 from a person (i) who is not a student enrolled in the higher
27 education institution at which the instructor of record makes
28 his or her academic presentation and (ii) who seeks to obtain
29 financial or economic gain through the unauthorized
30 dissemination of the academic presentation. The amount of
31 the civil penalty shall not exceed \$1,000 for the first
32 offense, \$5,000 for the second offense, and for any
33 subsequent offense, a penalty of not less than \$10,000 or

1 more than \$25,000.

2 Section 20. Policies and rules to protect academic
3 presentations.

4 (a) Each higher education institution shall, in
5 consultation with faculty in accordance with applicable
6 procedures, develop policies to prohibit the unauthorized
7 recording, dissemination, and publication of academic
8 presentations for commercial purposes.

9 (b) Each higher education institution shall adopt or
10 provide for the adoption of specific rules governing a
11 violation of this Act by students, along with applicable
12 penalties for a violation of the rules. Each higher
13 education institution shall adopt procedures to inform all
14 students of those rules, with applicable penalties, and any
15 revisions to the rules.